

STORAGE NAME: h1883z.go

DATE: June 21, 1999

****FINAL ACTION****

****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
GOVERNMENTAL OPERATIONS
FINAL ANALYSIS**

BILL #: HB 1883 (PCB GO 99-03) (Chapter #: 99-392, Laws of Florida)

RELATING TO: State-Administered Retirement Systems

SPONSOR(S): Committee on Governmental Operations, Representative Posey and others

COMPANION BILL(S): 1ST ENG/SB 2530 (similar); CS/CS/1ST ENG/SB 356 (compare)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) GOVERNMENTAL OPERATIONS YEAS 5 NAYS 0
- (2) GOVERNMENTAL RULES AND REGULATIONS YEAS 6 NAYS 0
- (3) GENERAL APPROPRIATIONS YEAS 22 NAYS 0
- (4)
- (5)

I. FINAL ACTION STATUS:

On April 26, 1999, the Senate amended HB 1883 and passed the bill as amended. On April 30, 1999, the House adopted two amendments to the Senate amendment, concurred in the Senate amendment as amended, and passed HB 1883 as amended. On April 30, 1999, the Senate concurred in the House amendments to the Senate amendment and passed HB 1883 as amended. On June 16, 1999, HB 1883 became law as Chapter 99-392, Laws of Florida.

II. SUMMARY:

This bill comprises miscellaneous retirement legislation necessary for the Division of Retirement to adequately manage and administer the Retirement Program. It provides for the division to review and comment on local government retirement system actuarial valuation reports and impact statements on a triennial basis; it provides that required payments based on the most recent actuarial valuation are subject to being state-accepted; it modifies the current limitation on benefits for service under more than one retirement system or plan; it clarifies requirements related to consolidation of existing retirement systems and preservation of rights; it redefines "creditable service" to conform the definition to existing law; it clarifies creditable service provisions for certain school board employees; authorizes the Division of Retirement to adopt rules; and establishes in statute the Florida Retirement System Actuarial Assumption Conference and designates the principals of the **conference** to develop consensus information with respect to the economic and non-economic assumptions and funding methods of the Florida Retirement System.

This bill reenacts certain sections of the Florida Statutes as a result of recent court action. The reenacted sections include: Florida Retirement System membership status of blind vending facility operators; Florida Retirement System membership eligibility and retirement contribution payments for blind vending facility operators; and legislation relating to 1996 contribution rates. It establishes changes in contribution rates for classes and subclasses of the system, effective July 1, 1999, based on an annual actuarial valuation of the FRS just completed; corrects errors; conforms provisions relating to de minimis accounts to federal law; clarifies provisions relating to past service and prior service; clarifies proof of disability requirements; modifies provisions relating to death benefits to permit purchase of certain retirement credit by joint annuitants and clarifies the contribution rate and interest required to be paid for such purchases; updates and corrects references; authorizes the State Retirement Commission to adopt rules related to their specific duties; and repeals s. 121.027, F.S., as created by chapter 97-180, Laws of Florida, which gave rulemaking authority to the Division of Retirement for administering all of the provisions of chapter 97-180, L.O.F.

This legislation is estimated to save state government \$323.0 million in FY 1999-2000 and \$339.2 million in FY 2000-01 and local governments \$868.9 million in FY 1999-2000 and \$912.4 million in FY 2000-01 through the reduction in contributions to the Florida Retirement System. The retirement benefits of state and local employees will not be adversely impacted.

The General Appropriations Committee adopted two amendments which are traveling with the bill. The first amendment changes the membership of the Actuarial Assumption Conference. The second amendment requires the Board of Trustees of the State Board of Administration to review the actuarial valuation of the Florida Retirement System. In addition, the Board is required to review and comment on the methods used to determine the contribution rates for the Florida Retirement System.

This bill as finally passed also redefined the term "special risk member"; added to the Special Risk Class of membership certain emergency medical technicians and paramedics; and provided a declaration of important state interest with regard to this legislation.

HB 1883, as passed, also provides that it is the intent of the legislature to review the current benefits provided under the Florida Retirement System during the 2000 Legislative Session. To this end, prior to February 1, 2000, the Senate Fiscal Policy Committee, the Senate Governmental Oversight and Productivity Committee, the House Governmental Operations Committee and the House General Appropriations Committee will review the current Florida Retirement System and make recommendations to the presiding officers regarding the costs and benefits of alternative retirement plan options on both the employers and employees. These recommendations shall include a defined contribution plan.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Retirement Program is responsible for administering statewide retirement systems, which include both state government and local government employing agencies, and provides oversight of retirement plans administered by local government. The program is administered by the Division of Retirement. As provided by s. 121.1905, F.S., the division is administratively housed within the Department of Management Services for organizational purposes, but operates independently of the department. The division director is appointed by the Governor and confirmed by the Senate.

The Retirement Program encompasses all of the division's activities. The program provides services through two sub-programs.

- **State-Administered Public Retirement Systems** -- This sub-program administers all statewide retirement systems, the largest of which is the Florida Retirement System (FRS). Administering the FRS is the program's primary responsibility. Approximately 800 government agencies participate in the FRS, including all state agencies, counties, and school boards, and many cities and special districts. The FRS provides retirement benefits to approximately 600,000 active employee members and 166,000 retirees. Program activities to administer statewide retirement systems include distributing benefit payments to retirees and beneficiaries, determining eligibility for retirement system membership and disability benefits, enrolling members, maintaining retirement records, counseling members on their retirement rights and benefits, and processing requests for benefit estimates.
- **Oversight and Monitoring of Local Government Retirement Systems** -- This sub-program is responsible for overseeing and monitoring 444 local public retirement systems, including 189 local firefighter and 194 police officer pension plans, that are not part of the Florida Retirement System. These plans have a total of approximately 170,000 members. Program activities include monitoring the actuarial soundness of local retirement systems, reviewing the actuarial impact of any proposed changes to these systems, and approving the distribution of insurance premium tax revenues to qualified municipal police officer and firefighter pension plans.

The majority of the Division of Retirement's funding goes to pay benefits for retired members. For Fiscal Year 1998-99, the Division of Retirement was appropriated \$27.2 million for program operations and \$2.1 billion to pay retirement benefits. The division was authorized 248 staff for Fiscal Year 1998-99. The division was appropriated \$7.1 million in general revenue funds to pay benefits for five pension programs that are not part of the Florida Retirement System.

Funds to pay for the administration of the Division of Retirement and the Florida Retirement System are primarily generated by the interest earned on investments made for the retirement and social security trust funds and contributions made by state and local government units participating in the system. Administrative funds are appropriated from the Florida Retirement System Trust Fund and then transferred to the Operating Trust Fund for expenditure. Although operating expenses could be appropriated directly from the Florida Retirement System Trust Fund, the Operating Trust Fund segregates operating expenditures for the purposes of cash control and prompt investment of pension plan contributions.

- **Performance** -- The Retirement Program's outcome measures indicate that its customers are highly satisfied with its services, that it is efficiently using its resources compared to other large state retirement systems, and that the ratio of Florida Retirement System (FRS) assets to liabilities is higher than expected.

Historically, actuarial valuations of the FRS have been performed every two years. In anticipation of the retirement of the unfunded actuarial liability, due to strong investment earnings, it was agreed that an annual actuarial valuation would be conducted during late 1998 and early 1999 to determine the appropriate contribution rates for the various classes of employees, effective July 1, 1999. In any public pension system as large as the FRS, actual experience each year indicates certain glitches, clarifying language, and reference corrections that need to be made to manage and administer the system more effectively. This bill sets the July 1, 1999, contribution rates as a

percentage of payroll for the various classes of the FRS and makes necessary clarifying administrative changes.

B. EFFECT OF PROPOSED CHANGES:

Section 1. Amends s. 112.63(4) and (5), F.S., providing, effective July 1, 1999, upon receipt of an actuarial report or a statement of actuarial impact from a local retirement system or plan, the division shall acknowledge such receipt, but shall only review and comment on each retirement system's or plan's actuarial valuations on a triennial basis. The bill also provides that the most recent actuarial valuation from a local retirement system or plan is subject to being state-accepted.

Background. Actuarial funding standards for Florida's public retirement systems are established in both the state constitution and statutes (Article X, Section 14, of the State Constitution and Chapter 112, Part VII, F.S.). All contributions to public defined benefit plans must be adequate to cover the anticipated costs of benefits. The intent of these provisions is to assure that public retirement systems are managed and funded in an actuarially sound manner that maximizes the protection of public employee retirement benefits. The statutes generally prohibit the use of any procedure, methodology, or assumption that causes any portion of pension benefit costs to be transferred to future taxpayers that should have been paid by current taxpayers.

Program staff of the Division of Retirement review and comment upon actuarial valuations and actuarial impact statements submitted by local government retirement systems. An **actuarial valuation** determines the amount of contributions necessary to fund promised employee retirement benefits. **Actuarial impact statements** evaluate the effect of proposed changes upon the retirement system and whether the changes comply with constitutional and statutory requirements for sound funding. Local retirement plans are required to conduct actuarial valuations only once every three years, but may conduct these more frequently, and may perform actuarial impact statements at any time.

Upon receipt of actuarial documents, program staff perform an initial review during which they log the documents into the program's pending list and review the documents to extract key information, some of which is recorded into a database. The documents are then reviewed by the program's actuary. Once the program's actuary has completed his review, he classifies the documents as either "state-accepted" (in compliance with law and program rules) or "not state-accepted" (not in compliance). Local retirement plan contribution rates are to be based on the most recent state-accepted actuarial valuation approved by the program.

A recent OPPAGA Program Evaluation and Justification Review (Report 97-75, released June 1998) determined that although program staff have identified some significant instances of problematic local retirement plan financial practices, the program's effectiveness in carrying out its oversight responsibility is limited because staff have not been able to provide a timely review of local retirement systems. The program has experienced a backlog of pending actuarial valuations and impact statements. This sub-program is of benefit to the state because it protects taxpayers from potential financial liability and protects the retirement benefits of local government employees.

OPPAGA has recommended an alternative approach that would authorize the program's actuary to selectively review local retirement system actuarial valuations and impact statements using risk-based criteria and random sampling to select actuarial documents for the actuary to review further, and thus avoid the additional expense of employing a second actuary. As time permits, the program's actuary should also review a random sample of the plan documents that do not pass the risk-based selection criteria. This method would enable the program to continue to serve a deterrent effect to help prevent local retirement systems from using unsound financial practices. The program would also be better able to handle its workload. The amendments cited above will assist the program in moving in this direction.

Section 2. Amends s. 112.65(2), F.S., relating to a limitation of benefits. Currently, no member of a retirement system or plan covered by this part who is not now a member of such plan shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from another retirement system or plan. This amendment deletes "another" and replaces it with "a different employer's" retirement system or plan.

This amendment would allow an employer to provide more than one type of retirement coverage for their employees based on the same period of service.

Section 3. Amends ss. 121.011(2)(b) and (3)(e), F.S., 1998 Supplement, providing that the Florida Retirement System shall assume all liabilities related to the payment of benefits to members and their beneficiaries under the respective retirement systems of the members and their beneficiaries that were consolidated into the FRS; and clarifies that in the event of suspension and subsequent reinstatement, a member to preserve his or her rights under the FRS must return to active employment and remain on the employer's payroll for at least one calendar month rather than 30 calendar days. This change will conform the provision to other provisions of the retirement statutes. Where the term appears in connection with a return to work after an absence, "1 calendar month" is the language used to describe the period of work time required as an eligibility criterion for claiming credit for the absence.

Section 4. Amends s. 121.021(17)(a), F.S., 1998 Supplement, adding non-FRS in-state service and leave-of-absence credit to the definition of "creditable service" providing all required contributions have been paid and all other requirements of this chapter have been met; and clarifying service credit based on contract years of employment or school term years of employment rather than 12-month periods of employment.

Background. Currently, instructional and noninstructional employees of a school board receive a full year's service credit for working for the total period of their work year (usually 9 or 10 months). However, employees, such as school crossing guards employed by a county sheriff's office to provide services solely to the county schools, who work for the complete school work year for which their services are required, receive only a partial year's credit. For example, for a 10-month school year they would receive credit for only .83 percent of a year's credit. So by virtue of being employed by an agency whose other employees are 12-month employees, these employees receive less service credit for their work year than do other employees at the school where they work, such as lunch room workers or school bus drivers. This amendment clarifies this concern.

Section 5. Amends s. 121.031(1), F.S., clarifying that the Division of Retirement has the authority to adopt rules pursuant to ss. 120.54 and 120.536(1), F.S., to implement the provisions of law conferring specific duties upon the division and to adopt rules necessary to effectively and efficiently administer the Florida Retirement System; clarifying language regarding the payment of expenses for the administration of the system; creating in statute the Florida Retirement System Actuarial Assumption Conference; providing that the purpose of the conference shall be to develop, by consensus, information with respect to the economic and noneconomic assumptions and funding methods of the FRS necessary to perform each actuarial study; providing that the information developed shall include: an analysis of the actuarial assumptions and actuarial methods and a determination of whether changes to the assumptions or methods need to be made due to experience changes or revised future forecasts; providing that the members of the conference shall include the Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees; providing that the Executive Office of the Governor shall have responsibility of presiding over the sessions of the conference; and providing that the State Board of Administration and the Division of Retirement shall be participants, as defined in s. 216.134, F.S., in the conference.

- Section 6. Reenacts s. 121.051(6), F.S., 1998 Supplement, as amended by chapter 96-243, Laws of Florida, relating to participation in the system for Blind Vending Facility Operators.
- Background.** In Laurent v. McMullian III, (Case No. 97-1076, Fla. 2d Cir. Ct., October 21, 1998), the court determined that HB 2723, by the House Committee on Appropriations, enacted as Chapter 96-423, Laws of Florida, as it amends sections 121.051 and 413.051, Florida Statutes, is unconstitutional because it violates the single subject rule. In the settlement agreement that was reached in this case, the plaintiffs agreed not to challenge the constitutionality of the aforementioned legislation. In recognition of the settlement agreement, and in an abundance of caution, these sections and any other sections related to retirement issues that might be affected by any future challenges are reenacted.
- Section 7. Reenacts s. 121.052(7)(a), F.S., 1998 Supplement, as amended by chapters 96-423 and 98-413, Laws of Florida, in recognition of the settlement agreement agreed to in the case Laurent v. McMullian III; and
- Amends this section to set contribution rates for members of the Elected Officers' Class effective July 1, 1999.
- Section 8. Reenacts s. 121.055(3)(a), F.S., 1998 Supplement, as amended by chapters 96-423 and 98-413, Laws of Florida, in recognition of the settlement agreement agreed to in the case Laurent v. McMullian III;
- Amends this section to set contribution rates for members of the Senior Management Service Class effective July 1, 1999; and
- Amends s. 121.055(6)(e), F.S., 1998 Supplement, clarifying the cash-out of a de minimis account and defining a de minimis account as an account containing employer contributions and interest earnings of not more than \$5,000.
- Section 9. Reenacts s. 121.071(1), F.S., 1998 Supplement, as amended by chapters 96-423 and 98-413, Laws of Florida, in recognition of the settlement agreement agreed to in the case Laurent v. McMullian III; and
- Amends this section to set contribution rates for members of the Regular Class, Special Risk Class, and Special Risk Administrative Support Class effective July 1, 1999.
- Section 10. Amends ss. 121.081(1)(i) and (2), F.S., 1998 Supplement, clarifying that a member returning from educational leave must remain on the employer's payroll for at least one calendar month rather than 30 calendar days to protect his or her rights; and
- Clarifying how prior service, as defined in s. 121.021(19), F.S., may be claimed as creditable service under the FRS.
- Section 11. Amends ss. 121.091(4)(c), (7)(f), (13)(a), and (13)(i), F.S., 1998 Supplement, clarifying that, when applying for disability benefits, proof of a member's total and permanent disability must include documentation that the member's condition occurred while he or she was employed with a covered employer and that the member was totally and permanently disabled at the time he or she terminated covered employment. Additionally, proof must be provided that an in-line-of-duty disability was caused by a job-related illness or accident during the member's employment.
- Amends the 1998 provision that allows a joint annuitant of a member who dies before vesting to purchase up to one year of retirement credit in order to vest the member's benefit and become eligible to receive a survivor's benefit. Such joint annuitant can purchase additional credit to vest either with the member's accumulated annual, sick, and compensatory leave or with the member's eligible out-of-state or in-state service. The joint annuitant would now be able to use a

combination of these two methods, rather than only one of the two as is currently allowed, to purchase up to one year of additional service. The amendment also clarifies that the cost to purchase such service will be the contribution rate in effect for the period of time being claimed, plus 6.5% interest, which is consistent with most other provisions that allow for the purchase of retirement credit; and change an incorrect statutory citation in subsection (13). Finally, the age at which a Special Risk Class member must elect whether to participate in the Deferred Retirement Option Program (DROP) is increased from 50 to 52.

Section 12. Amends s. 121.122(3)(b), F.S., 1998 Supplement, correcting a statutory citation.

Section 13. Amends s. 121.24, F.S., adding a new subsection (5) and renumbering current subsection (5) as (6); and

Providing that the State Retirement Commission has the authority to adopt rules pursuant to ss. 120.54 and 120.536(1), F.S., to implement the specific provisions of law conferring duties upon the commission.

Section 14. Amends s. 121.35(5)(a), F.S., 1998 Supplement, changing from \$3,500 to \$5,000 the maximum amount of a de minimis account which terminated ORP participants may receive as a cash-out, conforming the amount to federal law.

Section 15. Amends s. 121.40(11), F.S., 1998 Supplement, pertaining to the Institute of Food and Agricultural Sciences (IFAS) Supplemental Retirement Program at the University of Florida. This amendment removes the FRS limitation on reemployment after retirement for IFAS participants with the exception of employment at the institute in a position as a cooperative extension employee, as provided in s. 121.40(4)(e), F.S.

Reenacts s. 121.40(12), F.S., 1998 Supplement, as amended by chapters 96-423 and 98-413, Laws of Florida, pertaining to contribution rates that were originally passed in chapters 96-423 and 98-413, Laws of Florida, in recognition of the settlement agreement agreed to in the case Laurent v. McMullian III.

Section 16. Reenacts s. 413.051(11), F.S., 1998 Supplement, as amended by chapter 96-423, Laws of Florida, and reenacts s. 413.051(12), F.S., 1998 Supplement, as amended by chapters 96-243 and 98-149, Laws of Florida, in recognition of the settlement agreement agreed to in the case Laurent v. Mc Mullian III.

Section 17. Amends s. 175.071(1)(b), F.S., 1998 Supplement, providing that with respect to municipal firefighters' retirement trust funds, the board of trustees may invest in corporations on the National Market System of the Nasdaq Stock Market.

Section 18. Amends s. 185.06(1)(b), F.S., 1998 Supplement, providing that with respect to municipal police officers' retirement trust funds, the board of trustees may invest in corporations on the National Market System of the Nasdaq Stock Market.

Section 19. Repeals s. 121.027, F.S., created by chapter 97-180, Laws of Florida, giving the division rulemaking authority for that specific act. Rulemaking authority for the division is established in s. 121.031(1), F.S.

Section 20. Provides that the Governor, Comptroller, and Treasurer, sitting as the Board of Trustees of the State Board of Administration, shall review the actuarial valuation report prepared in accordance with the provisions of ch. 121, F.S.; and shall review the process by which FRS contribution rates are determined and recommend and submit any comments regarding the process to the Legislature.

Section 21. Amends s. 112.18, F.S., providing presumptions that certain illnesses incurred by state law enforcement officers are incurred in the line of duty.

Section 22. Amends s. 121.021(15), F.S., 1998 Supplement, adding paragraph (c); providing that effective October 1, 1999, "special risk member" means a member of the Florida Retirement System who is designated as a special risk member by the division in

accordance with s. 121.0515, F.S.; and providing that such member must be employed as a law enforcement officer, a firefighter, a correctional officer, an emergency medical technician, or a paramedic and must meet certain other special criteria as set forth in s. 121.0515, F.S.

- Section 23. Amends s. 121.0515(1) and (2), and (7)(a), F.S., 1998 Supplement, adding emergency medical care positions to the list of Special Risk Class membership within the Florida Retirement System; providing that the member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technician or a paramedic and be certified in compliance with s. 401.27, F.S.; providing that the member's primary duties and responsibilities must include on-the-scene emergency medical care; providing that administrative support personnel, including, but not limited to, those whose primary responsibilities are in accounting, purchasing, legal, and personnel, **shall not** be included; and providing conditions for retention of special risk normal retirement date.
- Section 24. Provides a legislative determination and declaration that the provisions of this act fulfill an important state interest.
- Section 25. Provides that it is the intent of the legislature to review the current benefits provided under the Florida Retirement System during the 2000 Legislative Session; provides that , prior to February 1, 2000, the Senate Fiscal Policy Committee, the Senate Governmental Oversight and Productivity Committee, the House Governmental Operations Committee and the House General Appropriations Committee will review the current Florida Retirement System and make recommendations to the presiding officers regarding the costs and benefits of alternative retirement options on both the employers and employees; and provides that these recommendations shall include a defined contribution plan.
- Section 26. Provides an effective date of upon becoming law, except that reenactment of subsection (6) of s. 121.051, paragraph (a) of subsection (7) of s. 121.052, paragraph (a) of subsection (3) of s. 121.055, subsection (1) of s. 121.071, subsection (12) of s. 121.40, and subsections (11) and (12) of s. 413.051, F.S., shall operate retroactively to June 7, 1996, and except that the amendments to paragraph (c) of subsection (15) of section 121.021, and subsections (1) and (2) and paragraph (a) of subsection (7) of section 121.0515, Florida Statutes, shall take effect October 1, 1999.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

This bill removes an unnecessary rulemaking section from the law. Section 121.027, F.S., created by chapter 97-180, Laws of Florida, to assure that the division had rulemaking authority for this specific act, is no longer needed. In 1998, a bill was passed to give the division the statutory authority for many of its existing rules, as provided by the new requirements in the Administrative Procedure Act (APA); and in this 1999 bill the division's general rulemaking authority is updated to conform to the model adopted by the APA for other state agencies.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

- (3) any entitlement to a government service or benefit?

Eliminates the current prohibition which prevents employers from legally providing more than one type of retirement coverage for their employees based on the same period of service; grants service credit to an employee of an FRS employer other than a school board who provides services exclusively for a school board (school crossing guards) based on a school term work year; and allows a joint annuitant to purchase additional credit to vest either with the member's accumulated annual, sick, and compensatory leave or with the member's eligible out-of-state or in-state service. The joint annuitant would now be able to use a combination of these two methods to purchase up to one year of additional service.

The addition of emergency medical technicians and paramedics to the Special Risk Class of the FRS will entitle these positions to a significantly increased retirement benefit (3 percent per year rather than 1.6 percent).

- b. If an agency or program is eliminated or reduced:

This bill does not eliminate or reduce an agency or program.

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Joint annuitants of a deceased member, who are allowed to purchase up to one year of retirement credit for vesting purposes must pay the contribution rate in effect for the period of time being claimed, plus 6.5 percent interest, which is consistent with most other provisions that allow for the purchase of retirement credit.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes, it increases the allowable options of certain members and joint annuitants of the FRS.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

This bill does not purport to provide services to families or children.

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This bill does not create or change a program providing services to families or children.

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amending ss. 112.18, 112.63, 112.65, 112.011, 121.021, 121.0515, 121.031, 121.052, 121.055, 121.071, 121.081, 121.091, 121.122, 121.24, 121.35, 121.40, 175.071, and 185.06, F.S.; reenacting ss. 121.051(6), 121.052(7)(a), 121.055(3)(a), 121.071(1), 121.40(12), and 413.051(11) and (12), F.S.; and repealing s. 121.027, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Please refer to section-by-section analysis under II. B., Effect of Proposed Changes.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

The reduction in retirement contribution rates, effective July 1, 1999, will provide a total savings of \$1.191 billion statewide for fiscal year 1999-2000. The savings to state agencies and employers is projected to be:

FY 99-00 \$323.0 million

FY 00-01 \$339.2 million

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

See "Recurring Effects."

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

The projected savings to local government employers as a result of reductions in retirement contribution rates is projected to be:

FY 99-00 \$868.9 million
FY 00-01 \$912.4 million

Note:

Information received from the Department of Health on 2/16/99 indicates that the current recurring annualized cost to local governments of including emergency medical technicians (EMTs) and paramedics in the Special Risk Class of the Florida Retirement System will be \$6,019,938. This is based on retirement contribution rates effective July 1, 1999 (Special Risk 20.22% and Regular Class 9.21% or a difference of 11.01% increase).

\$19,000 (average salary) x 11.01% x 1,155 (# of EMTs)	= \$2,416,145
\$28,000 (average salary) x 11.01% x 1,169 (# of paramedics)	= <u>\$3,603,793</u>

Fiscal Impact on Local Government	\$6,019,938
--	--------------------

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

Because this bill will increase the costs to local governments of providing EMT and paramedic services, it may stimulate privatization efforts in the emergency services field.

3. Effects on Competition, Private Enterprise and Employment Markets:

Indeterminate at this time.

D. FISCAL COMMENTS:

As a result of this legislation, retirement contribution rates will decrease as follows:

Regular Class:

Current 15.51%
Proposed 9.21%
Reduction -6.30%

Senior Management Service Class:

Current 23.10%

STORAGE NAME: h1883z.go

DATE: June 21, 1999

PAGE 12

Proposed 11.19%
Reduction -11.91%

Special Risk Class:

Current 24.38%
Proposed 20.22%
Reduction -4.16%

Special Risk Administrative:

Current 14.64%
Proposed 11.53%
Reduction -3.11%

Judges:

Current 27.21%
Proposed 20.48%
Reduction -6.73%

Legislators, Governor and Cabinet, State Attorneys, Public Defenders:

Current 22.33%
Proposed 14.31%
Reduction -8.02%

County Elected Officers:

Current 26.99%
Proposed 17.05%
Reduction -9.94%

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Article VII, Sec. 18, Florida Constitution, excuses local governments from complying with state mandates which impose negative fiscal consequences. Subsection (a) provides, "No county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds" unless certain requirements are met. However, several exemptions and exceptions exist.

This bill will require participating cities and counties to expend additional funds because it will require them to make higher FRS contributions for EMTs and paramedics than they currently do. Therefore, initially at least, this bill will fall within the purview of Art. VII, Sec. 18 (a).

Subsection (d) of Art. VII, Sec. 18 exempts those laws which have an insignificant fiscal impact from the requirements of the mandates provision. Whether a particular bill results in a significant impact must be determined on an aggregate, statewide basis. Any bill which requires an expenditure of greater than \$1.4 million is considered to produce a significant impact. Based on retirement contribution rates established in this bill, to be effective July 1, 1999, the cost to local governments for placing EMTs and paramedics in the Special Risk Class of the FRS will be in excess of \$6 million. Therefore, it will not fall within the "insignificant fiscal impact" exemption.

However, subsection (a) contains an exception for laws which apply to all persons similarly situated, or which fulfill an important state interest, or which are approved by two-thirds membership of each house of the legislature. This bill provides a determination and declaration of important state interest, treats all similarly situated FRS employees in the same manner, and was approved by a two-thirds vote of the membership of each house upon final passage. Therefore, the bill meets the exception requirements of Art. VII, Sec. 18, of the Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

VI. COMMENTS:

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Governmental Operations, at its March 8, 1999, committee meeting, adopted one amendment which establishes in statute the Florida Retirement System Actuarial Assumption Conference which shall by consensus develop official information with respect to the economic and non-economic assumptions and funding methods of the Florida Retirement System necessary to perform the actuarial study of the system to be made at least once every 2 years.

On April 16, 1999, the General Appropriations Committee adopted two amendments which are traveling with the bill. The first amendment changes the membership of the Actuarial Assumption Conference. The second amendment requires the Board of Trustees of the State Board of Administration to review the actuarial valuation of the Florida Retirement System. In addition, the Board is required to review and comment on the methods used to determine the contribution rates for the Florida Retirement System.

This information is retained in the final bill analysis to assist readers with the history of this legislation.

VIII. SIGNATURES:

COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Staff Director:

Jimmy O. Helms

Jimmy O. Helms

AS REVISED BY THE COMMITTEE ON GOVERNMENTAL RULES AND REGULATIONS:

Prepared by:

Staff Director:

David M. Greenbaum

David M. Greenbaum

AS FURTHER REVISED BY THE COMMITTEE ON GENERAL APPROPRIATIONS:

Prepared by:

Staff Director:

Joseph L. McVaney

David K. Coburn

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Staff Director:

Jimmy O. Helms

Jimmy O. Helms